G. R. S. IX-5]

Revised ✓

Previous references.

Gen. J 740-9 dt 7-9-1905
c. 19-3
1918.
Cts 318-1911 (1-8)
" 52-1894 (1-18) Cts)
Later references.
" 231-09 (1-8) L. R
" 107-10 (1-11) Ch 130-31-1
" 46-14 (1-7)
" 105-06 (1-16)
" 44-22 (1-3)
" 17-28 (1-2)

File No. 268-18

Serial Nos. 165

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Irir

Part B for Nov 19

SUBJECT.

Extradition from Mysore to Travancore of A. E. Vernede accused of an offence under 406 I. P. C.

---

5) 72 The District Magistrate, Bangalore.

No. D2. dis. 34 of 19-20.

States that non-bailable warrant issued on 1-8-19 against the accused was returned unexecuted as the person was not found at the address given and that the C & M. Stn Police suggest that enquiry may be made at Trichonopoli

W D 1250—GPB—30,000 - 28-1-19

PBS 11/2.

G. R. S. III—17/

1916.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 268.

FILE HEADING.

Extradition from Mysore to Travancore of A. E. Kerneda accused of an offence under 406 - I. P. C.

From

The F. A. Resident

No. 4987 Dated 26th June 19 Received 26-6-19

Diary No. 19097	Enclos. 2	Spare Copies.	Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Requests that arrangements may be made for the apprehension and handing over of accused A. E. Kerneda to such Jail officer at Hosur

NOTES AND ORDERS.

1)

Subd. The procedure in case of extradition between Mysore and native States under the political jurisdiction of the Govt. of Bombay are laid down in the G. O. of 7th Sep. 1905.

No J 740-9 97-8
PR 19-3
H. V.

NOTES—First Sheet.

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 268 of 1918.

Serial No.

~~Srnkd~~ The same procedure has practically been adopted in the case of native states under the jurisdiction of the Madras Govt. C.f. the States of Pudukota Cochin and Sandur have complied with our requisition for extradition. In the case of Sandur opportunity was taken to establish a reciprocal arrangement.

Srnkd. for orders.

C5 107-10 Fl. W—
C5 231-09 Fl. T
" 318-4 Fl 2.

~~28/6/19~~ 2) The accused is said to be residing at Sankey's Road, Bangalore.

3) Has there been a reciprocal arrangement with the Travancore Durbar? If not, please put up a draft similar to the one of 16.8.12 (Fl. 3) for consd^n

Please bring up in person
D. M. 2/7

4) Srnkd. There is no reciprocal arrangement with Travancore. Draft of the Resy. is put up as per orders.

D. M. 2/7

5/7

NOTE—Contn. sheet.

Serial No.

5) Since there is no reciprocal arrangement with Travancore Durbars, a draft reply to the Residency is submitted for Council's orders.

D. M. 2/7

Enquired.

6) I am not sure whether it is necessary to have general reciprocity in regard to Travancore. The chances of offenders in the one State seeking refuge in the other are rather remote. Suitable action may be taken in such cases individually.

7) On the analogy of the arrangement with the Bombay States ~~of the Resident~~, the Resident may ask us to arrange for the arrest & delivery of the ~~non~~ offender.

8) The Dewan, Bangalore may be addressed to issue a warrant for the arrest of the man & his delivery to the Subjail at Trichinopoly.

229/16.7.19

(1st number). CSJ 14/7/19

9) I think there is no harm in the regulation reciprocity. MK

The Resident may be informed that there

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | 25 File No. 68 of 1918.

Serial No.

Durban will have no objn to arrange for the apprehension & handing over of the offender, on the assumption that the Barotseland State is prepared to grant reciprocity in the matter of the surrender of persons accused of [illegible] offences within the boundaries. That instructions are being issued to the D.S. Barotseland for the arrest of the accused Vernede. This referred to the Home and Jail Office.

(10) Also a letter to the D.S. Barotseland as proposed by the A. Secy.

15/7/19

(11) Please draft my

15/7/19

(12) 2 drafts submitted

17/7/19 Chief Secy 17-7-19

13 Issue

17/7/19

2 7

The 7 A. Resident 89-925.7.19

With reference to 881 states that the Barotse will have no objection to apprehend and [illegible]

NOTE—Contn. sheet.

'General and Revenue Secretariat.

Ots File No. 1267 of 1918.

Serial No.

The offender if the Travancore State is prepared to grant—reciprocity and that, on this assumption, instructions are being issued to the Dist magistrate, Bangalore to arrest and deliver the offender to the Honble Subjail Officers.

(3)

The Dist: Magistrate, Bangalore
No. 1912 of 25.7.19
forwards a copy of the letter from the F.A.R. and requests to arrest and deliver the offender to the Honble Subjail Officer.

Ens A.

POLITICAL & PROTECTION BRANCH. 4 AUG 1919

4

From

F. A. Resident in Mysore.

Letter no. Pol. 287 dated 30th Aug. 1919.

forwards a copy of letter no 1400/19 dt 15th Aug 19 from the Resident in Travancore & Cochin calling invoking reference to the Correspondence ending with Captain Erskine's letter no 4883 dt 5th Dec^ 15 (1895)

14)x The correspondence referred to by Hon'ble the Resident speaks of individual case re: the Surrender of Sreenivasa raghavachar, so early as 1895. Then, the Police Inspector goes to Travancore for the apprehension of the accused with the assistence of the Police there, after due permission from the Resident. no mention

NOTE—Contn. sheet.

Serial No.

to made of reciprocity or any condition

15) * The Dewan's letter to the Residency (in Mal Case) no 35/D Ch 52-94-7 states in the end that the Surrender in the particular instance (though the Extradition Act could not be applied to it) would be in accordance with Custom — But no reference to any previous arrangement is given here

* Flag E

16) * The enclosed letter (in the Paper under disposal) from the Resident in Travancore & Cochin to the Hon'ble the Resident in Mysore, no 1400/19 of the 15th Augt 19 states that at present there is a regular procedure laid down for the extradition of offenders between Travancore & Mysore But, there is no such regular procedure or understanding as yet — It is precisely because such an understanding is necessary, the present opportunity is taken hold of & it is that this Govt want to make the proposal of reciprocity a condition precedent for the Surrender of Archibald Ewart Vernede. Steps are already taken to apprehend & hand him over to Travancore Govt.

* Flag B

17) Submitted with 2 drafts:-

1) To the Dy Magr of Bangalore

2) To the Residency.

R.R. 8-9-19

18) The following communication has since been received —

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | CS File No. 268 of 1918.

Serial No.

5 From The District Magte. Bangalore
no. Dy Dis 34 of 19-20

States with reference to 2, that a non-bailable warrant issued on 1-8-19 against the accused was returned unserved unexecuted as the person was not found at the address given and that the CID Station Police suggest that enquiry may be made at Trichinopoly

19) Subd with a draft to the Residency intimating the contents of the Dt Magte's letter

20) It is considered necessary to make a formal application for reciprocity with the Travancore Durbar, as suggested in para 2 of the enclosure to the Residency letter, action may be taken separately after the issue of the draft.

Asst 11/9

Please ch. up in person. (vide fl-B) D. m. 11/9

21) Draft letter to Residency is put up. Kind reference is invited to para 9 above. If agreed action will be taken in the matter after the issues of the U.O. to the Residency

Submitted to the Chief Secy. D. m. 12/9

22) I believe the man has since been arrested in Calicut & so a put up for trial. No further action is therefore needed in this case.

23) As regards the general question please put up Capt Eskine's letter referred to

CSS 16/9 D. m.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 268 of 1918.

Serial No.

24) Resubmitted for orders on the general question. For Captain Stevens's letter, please see flag Y in Court file 52 of 1894 put up

ADC 1719

Chief Sec?

D.M. 26/9

25) Please put the correspondence of 1895 & note whether ~~the~~ general question of extradition has been dealt with ~~the~~ & a procedure laid down (as stated in the Travancore Rests letter)

C85 20/10

D.M. 21/10

C5 21/10

26) Throughout the whole proceedings referred to in the Correspondence of 1895, the general question of Extradition is not dealt with and no procedure is laid down. All that the letter shows is that the particular individual in question was sought to be arrested in Travancore and hence, ~~the~~ an attempt was made to move the Residency in the matter. Accordingly, the Residency was moved and ~~an Extradition warrant issued to the Deputy Magistrate~~ of Tinnevelly for the ~~surrender of the person~~ to the Bangalore Inspector of Police.

Submitted with reference to para 25 Supra.

28/10/19 27) Reference is invited to the last para, getting office letter to Resident dt 30.10.1895 which shows

NOTE—Contn. sheet

Serial No.

that the application for the surrender of the accused on that occasion was based on custom.

ARR 30/10

26) No general q^n of extradition has ever been dealt with & no regular procedure has been laid down for the extradn of offenders between the two States. No draft letter of 30th Oct. 1895 (Pol. E) addressed to the Residency expressly states that the arrest & surrender of the accused persons would be in accordance with customs, and the reply received from the Residency (vide letter of 25.11.95) shows that the above recommendations & extradn warrants issued for the arrest of the accused persons.

29) Submitted for orders.

Chief Secy

D.M. 10/11

30) For perusal.

31) The matter may be dropped.

2nd member
3rd member

CBK
A Hughes

32) Papers

D.M. 12/11

19/11/19

D.M. 19/11

19/11

D.M. 20/11

Noted

1790
9.11.19

NOTE—Contn. sheets

PROTECTION
1 C NOV 1919

GEN. O. REGT. SECTT. C. Secft. 26 JUN 1919 Pol 1746

B. O. 2.—R. P. B.—2-1919.—2,000.

No. 4987/Misc 2.

DIARY No. 19097 26 JUN 1919

FROM

C.T.C. PLOWDEN,
MAJOR ~~E.H.S. JAMES~~, I.A.
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

CHIEF SECRETARIAT. III PROTECTION BRANCH. 26 JUN 1919

Dated Bangalore, 26th June 1919.

SIR,

I am directed to forward a copy of a letter No. 1400/ 19, dated the 20th June 1919, and enclosures from the Resident in Travancore and Cochin, and to request that if there is no objection, arrangements may kindly be made for the apprehension and handing over of Archibald Ewart Vernede, the accused referred to in the letter, to the Sub Jail Officer at Hosur. The District Magistrate, Salem, who has been addressed on the subject, will arrange to surrender him to the Travancore State who have already supplied him with the necessary extradition warrant.

I have the honour to be,
Sir,
Your most obedient servant.,

for First Assistant Resident.

I.S.

R. O. 2.—R. P. B.—2-1919.—2,000.

No. 4987

FROM

C.T.C. PLOWDEN,
MAJOR ~~E.H.S. JAMES~~, I.A.
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 26th June *19* 19.

SIR,

I am directed to forward a copy of a letter No. 1400/ 19, dated the 20th June 1919, and enclosures from the Resident in Travancore and Cochin, and to request that if there is no objection arrangements may kindly be made for the apprehension and handing over of Archibald Ewart Vernede, the accused referred to in the letter, to the Sub Jail Officer at Hosur. The District Magistrate, Salem, who has been addressed on the subject, will arrange to surrender him to the Travancore State who have already supplied him with the necessary extradition warrant.

I have the honour to be,
Sir,
Your most obedient servant.,

sd/ g. S. Eyston.

First Assistant Resident.

I.S.

Letter No. R.O.C. No. 1400/19, dated the 20th June 1919, from the Resident in Travancore and Cochin, to the Hon'ble the Resident in Mysore, Bangalore.

****

At the instance of the Dewan of Travancore, I have the honour to request that you will be so good as to cause the accused named in the margin who stands charged with an offence under section 406.I.P.C., committed in the Travancore State to be apprehended and handed over to the District Magistrate, Salem, to whom a warrant for his extradition has this day been issued and forwarded. A copy of the complaint is enclosed.

Archibald Ewart Vernede,
C/o Mrs. Breithampt, Watson's House,
Sankey's Road, Bangalore.

****

In the Court of the District Magistrate, Devikulam

C.C. No. 2 of 1094.

Criminal complaint filed by W. Peter, Clerk on behalf of Resident in Travancore and Cochin.

****

Versus. Archibald Ewart Vernede.

****

Accused's father Mr. A.W.L. Vernede, pensioned Commissioner of Devikulam died 1st December 1917. Accused took possession of his assets vide his letter of 15th December to L.K. Pelton Esqr., Ag. Commissioner of Devikulam. In this letter he asked for permission to draw his father's deposit from Savings Bank and pension due. The Commissioner referred this request to the Resident vide his letter of 22nd December 1917. The Resident by his letter of 6th January 1918 refused permission, but in his letter of 9th January 1918 appointed accused as Receiver with reference to Section 54 of the Administrator-General's Act III of 1913. His letter of 6th January 1918 is not found in the file in the Commissioner's office. Its non-receipt was never noticed by the Commissioner.

The

The order appointing accused as Receiver was forwarded to accused by the Commissioner with his letter of 18th January 1918 and acknowledged by him in his letter of 4th February 1918. On 14th February 1918 the Commissioner wrote to accused to send an inventory and furnish particulars called for by the Resident in his letter of 8th December 1917. On 22nd February 1918 on the strength of the order appointing him as receiver accused induced the Major Treasury Officer, Devicolam, to pay him Sirkar Rs. 6962/- Savings Bank Deposit and Sirkar Rs. 465/- Chs 14 and cash 7 arrears of pension due to his late father. Since that date nothing has been heard from the accused, though numerous reminders and registered letters have been sent to him, most of which must have reached him. On 1st May 1919 the Resident casually received private information that accused had drawn the money and was spending it on his own maintenance, being out of employment. He then at once enquired of the Commissioner and learnt that the above sums had been paid to the accused and that the Resident's letter forbidding the payment was not traceable. The accused as Receiver was bound to render prompt accounts of all moneys received by him. His failure to do so and his silence for 15 months leave no doubt of his dishonesty. The accused has committed the offence of Criminal Breach of Trust under section 407 I.P.C. triable by this Court. The complainant requests that the complaint be taken on file and extradition applied for: and that the services of a Sirkar Vakil to conduct the prosecution be arranged for. The accused's address is reported to be C/o Mrs. Breithampt, Watson's House, Sankey's Road, Bangalore.

Sd/- W. Peter.

Witnesses for prosecution

1. J.B. De Lemos, Head Clerk, Resident's Office, to produce and prove letters issued from Resident's Office.

2. S. Neelacanta Iyer, Clerk, Commissioner's Office, to produce and prove letters issued from the Commissioner's Office.

3. Mr. N. Parameswaran Pillai, Divisional Treasury Officer, Devicolam to prove payment of Savings Bank Deposit and pension

amounts

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

the 191

Section

File No. 268-18

Serial No. 2

No. PC89

Date of issue 25th July 19..

Signed by Mr. C. S. B. Dyer

To

The J. A. Resident.

Sir

With reference to your letter No 4987/926-6-19.9 requesting that arrangements may be made for the apprehension and handing over of Archibald Everard Vernede to the Sub-Jail Officer, Homs, I am directed to state that the Durbar

over.

will have no objection to ~~arrange for the~~ apprehension and handing over ~~of the~~ Offender, ~~on the assumption of~~ that the Travancore State is prepared to grant reciprocity in the matter of the surrender of persons accused of Extraditable Offences ~~or~~ committed within Mysore territory, on the assumption that this proposal will be accepted by that Durbar Instructions are being issued to the Dt. Magt, Bangalore, ~~for the~~ to arrest ~~of~~ the accused persons and delivering him to the Travancore Sub-Jail Officers.

I have etc.

Copied by [illegible]

[illegible]

WD 1711—GFB—80,000—19.2.17

For Chief Secy

86
17/7 [illegible]

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, *the* 191.

Date of issue 25/7/19

Signed by M. G.B.K

Section 15.

File No. 268-18

Serial No. 3

No. G 912 (1)

To

The Dt. magte
Bangalore

Sir

I am directed to forward herewith a copy of letter no R.O.C no 1408/19 dy 20-6-1919, and enclosures from the Resident in Travancore and Cochin and to request that a warrant may be issued for the apprehension

over.

of the accused Archibald Ernest Bernede and that arrangements may be made for handing him over to the Sub-Jail officer at Hosur.

I have etc.

for Chief Secy

17/7/19

17/7

Encl. 1

Pol 287

GEN. D. REG. SEC. 30 AUG 1919

R. O. 2.—R. P. B.—2-1919.—2,000.

No. 6654

No. 4063

FROM

C.T.C.PLOWDEN,
MAJOR ~~H.S.JAMES~~, I.A.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 30th August *19*19

SECRETARIAT. III POLITICAL PROTECTION BRANCH. 1 SEP 1919

SIR,

With reference to the correspondence ending with your letter No. Pol.89, dated the 25th July 1919, regarding the surrender of one Archibald Ewart Vernede, I am directed to forward for information and such action as may be considered desirable, a copy of a letter No. 1400/19, dated the 15th August 1919, from the Resident in Travancore and Cochin.

2. As regards the surrender referred to by the Resident in Travancore and Cochin, in para. 1 of his letter, I am to invite a reference to the correspondence ending with Captain Erskine's letter No. 4823, dated the 5th December 1915.

I have the honour to be,
Sir,
Your most obedient servant,

I.S.

First Assistant Resident.

Letter No. Ref on C. No. 1400/19, dated the 15th August 1919, from the Resident in Travancore and Cochin, to the Hon'ble the Resident in Mysore, Bangalore.

****

With reference to the letter of your First Assistant Resident No. 5997, dated the 2nd August 1919, regarding the grant of reciprocity in the matter of extradition of accused persons from Travancore, I have the honour to inform you that at present there is a regular procedure laid down for the extradition of offenders between Travancore and Mysore and that surrenders have occurred from both States., (vide your letters Nos. 7 4397 3351/95, dated the 4th November 1895).

2. I do not think it is quite correct for the Mysore Durbar to make the consent of the Travancore Durbar to reciprocity a condition for handing over the individual in question, but I shall be glad to consult the latter Durbar about reciprocity if formal proposals are made by the Mysore Durbar in proper form.

****

COPY

REGISTRAR.

I.S. Resident's Office.

WD 1541—GPB—50,000—20-3-19—S.

7157 191 9

From

The Dt: Magistrate
Bangalore district.

To

The Chief Secretary
to the Government
of Mysore.

Dated 3-9-19

Despatched 6-9-19

Received

General No. [illegible]

No.

Enclosure No.

Intimates that
a warrant of arrest
was issued for the
apprehension of
Archibald Edward
Vernede & the same
was returned un-
executed.

Dy
8.9.19
3-15

1879

25 199

4791

No 268-18-5

Office of the District Magistrate,
Bangalore District,
Dated Bangalore, 3rd September 19.

From

G. Aravamudu Iyengar, Esq., B.A.,B.L.,
District Magistrate,
Bangalore District.

To

C. S. Balasundarm Iyer, Esq., B.A.,
Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
B a n g a l o r e.

Sir,

Adverting to your letter No.G.1912/Cts.268-18-3 dated 25-7-19- forwarding a copy of letter No.R.O.C. No.1400/19 dated 20th June - 1919 and its enclosures from the Resident in Travancore and Cochin and requesting me to issue a warrant for the apprehension of one - Archibald Ewart Vernede and make arrangements for handing him over to the Sub Jail at Hosur, I have the honor to state that a non-bailable warrant of arrest was issued on 1-8-1919 against the - accused named above which was returned unexecuted as the person - was not found at the address given. It is reported that he was - residing with his brother-in-law, Captain Breethopt in the Civil and Military Station Bangalore who has since left the Station for Trichinopoly where he is engaged as a Recruiting Officer. The station police report that the accused above named is not known at the place and that an enquiry may be made at Trichinopoly.

I have the honor to be,
Sir,
Your most obedient servant,

G. Aravamudu Iyengar

District Magistrate,
Bangalore District.

BNK